

PROCEEDINGS/MINUTES OF CITY COUNCIL

...June 14, 2017...

Council convened at 2:05 p.m., Mayor John Cranley, Presiding. Present were Councilmembers Flynn, Mann, Murray, Seelbach, Simpson, Sittenfeld, Smitherman, Winburn and Young.

Also in attendance were City Manager Harry Black, Asst. City Solicitor Terry Nestor and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leaved were disposed of as follows:

MAYOR CRANLEY

Item #: 201700891

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Jessica Powell to the Community Development Advisory Board for a three-year term effective June 2017.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201700892

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Raynal Moore to the Cincinnati Elections Commission for a three-year term, effective June 2017.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201700900

RESOLUTION, submitted by Mayor John Cranley, EXPRESSING the strenuous opposition of the Mayor and City Council to provisions in the Ohio Senate's budget (Sub. HB 49) that would adversely affect the City of Cincinnati and other local municipalities which have always been on the frontlines of the heroin epidemic and that the Mayor and City Council strongly urge the General Assembly to provide Ohio municipalities with adequate resources to address this public health emergency facing the citizens of Ohio.

*** Held on calendar

Status/Recommendations:

PASS

*** HELD ON CALENDAR

MR. MANN

Item #: 201700887

MOTION, submitted by Vice Mayor Mann, WE move that the City Administration produce a report on why the service request for garbage cans near 3337 Clifton Avenue was rejected. (STATEMENT ATTACHED)

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201700885

ORDINANCE, submitted by Vice Mayor Mann, ESTABLISHING a requirement that City Council incrementally increase its appropriations to human services over a five-year period pursuant to a specified funding schedule and that beginning in 2023 Council appropriate human services funding every year at an amount not less than 1.5% of the General Fund budget.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

MR. SEELBACH

Item #: 201700888

RESOLUTION, submitted by Councilmember Seelbach, RECOGNIZING Major Charmaine McGuffey, a member of lesbian, gay, bisexual and transgender ("LGBT") community for her accomplishments throughout a distinguished career with the Hamilton County Sheriff's Office; and expressing the appreciation of the Mayor and the Council of the City of Cincinnati for Major McGuffey's creative solutions to longstanding criminal justice challenges, particularly programs to increase and improve engagement of incarcerated individuals both by social service organizations and law enforcement institutions.

Status/Recommendations:

PASS

*** PASSED 0045-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700889

RESOLUTION, submitted by Councilmember Seelbach, RECOGNIZING Mr. Michael Cotrell for his leadership and advocacy on behalf of the lesbian, gay, bisexual and transgender community.

Status/Recommendations:

PASS

*** PASSED 0046-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

MS. SIMPSON

Item #: 201700893

COMMUNICATION, submitted by Councilmember Simpson, letters from constituents in favor of increasing the City's Human Services Fund.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700890

RESOLUTION, submitted by Councilmember Simpson, EXPRESSING the Mayor and City Council's support of Ohio House Bill 49 which contains measures to support local efforts to combat the heroin epidemic, which support is needed to combat the drastic negative effects of this epidemic in the City of Cincinnati and Hamilton County, thereby necessitating as much aid as possible from the State of Ohio to this locality. (VERSION B)

*** Held on calendar

Status/Recommendations:

PASS

*** HELD ON CALENDAR

MR. SMITHERMAN
MS. MURRAY
MR. WINBURN
MR. YOUNG
MR. SITTENFELD
MR. MANN

Item #: 201700901

MOTION, submitted by Councilmembers Smitherman, Murray, Winburn, Young, Sittenfeld and Vice Mayor Mann, WE MOVE that Red Bike locations continue expanding to all neighborhoods. WE MOVE that the next Red Bike location be in Bond Hill, Roselawn or Avondale.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

CITY MANAGER

Item #: 201700868

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with DREA 6 - Exchange, LLC, an affiliate of Neyer Holdings, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 126 E. 6th Street in the Central Business District of Cincinnati in connection with the remodeling of the building thereon into commercial and residential space, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards as more particularly specified in the agreement, at a total remodeling cost of approximately \$8,500,000.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700869

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, authorizing the City Manager to execute a Property Sale and Development Agreement with CG Rogers, LLC for the sale and residential redevelopment of City-owned property located at 1626 and 1628 Pleasant Street in the Over-the-Rhine neighborhood of Cincinnati.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700870

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, authorizing the City Manager to execute a Property Sale and Development Agreement with Rhine Development Corporation LLC, which provides for the City's sale of vacant lots at 1512, 1514, 1516, 1518 and 1520 Republic Street in the Over-the-Rhine neighborhood of Cincinnati, for development into 5 market rate single-family houses.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700871

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 1415 Republic LLC, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 1413 and 1415 Republic Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the existing building thereon into approximately 3,400 square feet of office space, which remodeling shall be completed at a total construction cost of approximately \$358,000.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700872

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with DREA 6 - Exchange, LLC, an affiliate of Neyer Holdings, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 130-132 E. 6th Street in the Central Business District of Cincinnati in connection with the remodeling of the building thereon into commercial and office space, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards as more particularly specified in the agreement, at a total remodeling cost of approximately \$3,500,000.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700879

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, determining to proceed with the special assessment for the control of blight and disease of shade trees within the public rights-of-way, and or planting, maintaining, trimming and removing shade trees in and along the streets of the City Urban Forest Maintenance District for the year 2018.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700880

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, levying a special assessment to control the blight and disease of shade trees within public rights-of-way and for planting, maintaining, trimming and removing shade trees in and along the streets of the City of Cincinnati's Urban Forest Maintenance District for the year 2018.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700886

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/14/2017, approving a \$4,593,511 operations and maintenance budget for the Cincinnati Bell Connector for FY 2018; AUTHORIZING the appropriation of \$3,315,759 from Fund 455, "Streetcar Operations," for streetcar requirements including, for FY 2018, the City of Cincinnati's direct contribution toward the streetcar operating shortfall. (Was put on calendar in error)

Status/Recommendations:

Item #: 201700852
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding trash cart violation at 1425-1429 Pleasant Street. (SEE DOCUMENT #201700394 FOR COMMUNICATION)

Status/Recommendations:
LAW & PUBLIC SAFETY COMMITTEE

Item #: 201700859
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Special Event Permit Application for Northside Rock and Roll Carnival.

Status/Recommendations:
FILE
*** FILED

Item #: 201700860
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Special Event Permit Application for 4th of July Jam.

Status/Recommendations:
FILE
*** FILED

Item #: 201700861
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Special Event Permit Application for July 3rd Fireworks.

Status/Recommendations:
FILE
*** FILED

Item #: 201700862
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Special Event Permit Application for New Years Eve.

Status/Recommendations:
FILE
*** FILED

Item #: 201700863
REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Special Event Permit Application for Northside 4th of July Parade.

Status/Recommendations:
FILE
*** FILED

Item #: 201700866

REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding conditions on Mystic Avenue. (SEE DOCUMENT #201700720 FOR COMMUNICATION)

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201700867

REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Ohio House Bill 141.

Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201700878

REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, regarding Urban Forestry Program Assessment Equalization Board Recommendations. (SEE DOCUMENT #201700670 FOR ORDINANCE)

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201700883

REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Cincinnati Park Board DBA Maple Ridge Lodge, 3040 Westwood Northern Boulevard. (#014934070001, Temp, F8) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201700884

REPORT, dated 6/14/2017, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Cincinnati Park Board DBA Oak Ridge Lodge, 5083 Colerain Avenue. (#0149364000001, Temp, F8) [Objections: None]

Status/Recommendations:

FILE

*** FILED

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201700761

REPORT, dated 5/24/2017, submitted by Harry Black, City Manager, regarding Ohio House Bill 270. (SEE DOCUMENT #201601281 FOR RESOLUTION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED

NEIGHBORHOODS COMMITTEE

Item #: 201700877

MOTION, submitted by Vice Mayor Mann, WE move that the City Administration begin the process, including drafting of legislation, for special assessment of certain residents of Mulberry Street to build a public retaining wall that prevents further landslide activity from adversely affecting residences and the public right-of-way(see attached petition). The assessment process should accomplish, without limitation, the following: 1. Demonstrate the replacement of the failing Peete Street private retaining wall will serve a public purpose including through testimony to be provided at the Neighborhood Committee; 2. Provide for design and construction of the wall along with necessary sewer connections; 3. Access benefitted property owners for the cost of the wall over a period of not less than 30 years; 4. The City will assume not less than 1/50th of the cost of the wall as required by law; 5. Provide for the acquisition of easement rights for the City for the planned wall and City maintenance of the wall going forward; and 6. Provide an opportunity for property owners to comment at a public hearing on the final cost estimate and wall design prior to resolving to move forward with the assessment.

Status/Recommendations:

ADOPT

*** ADOPTED

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700695

ORDINANCE submitted by Harry Black, City Manager, on 5/10/2017, AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 743-767 E. McMillan Street, 2420-2438 Concord Street, and 718-752 Wayne Street in the Walnut Hills neighborhood from the T4N.SF and T4N.SF-O, "Neighborhood Small Footprint," zoning districts to Planned Development District No. 78, "Firehouse Row."

Status/Recommendations:

PASS

*** PASSED 0136-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700767

ORDINANCE, (EMERGENCY) submitted by Paula Boggs Muething, City Solicitor, on 05/19/2017, EXTENDING Interim Development Control District No. 80, "Incline District Investment Area," in the East Price Hill neighborhood, as an interim development control district for a period of six months pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0138-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700799

ORDINANCE submitted by Harry Black, City Manager, on 6/1/2017, modifying the provisions of Chapter 723, "Streets and Sidewalks, Use Regulations," of Title VII, "General Regulations," of the Cincinnati Municipal Code by AMENDING Section 723-7, "Park Benches," in order to allow park benches qualifying for a revocable street privilege to be placed in Planned Development Districts.

Status/Recommendations:

PASS

*** PASSED 0137-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700881

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 6/12/2017, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Allston Place LLC, thereby authorizing a 12-year tax exemption for 66.7% of the value of improvements made to real property located at 4016 Allston Street in Oakley neighborhood of Cincinnati in connection with the remodeling of the building thereon into a mixed-use development, which remodeling shall be completed at a total construction cost of approximately \$960,000.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0139-2017

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

Item #: 201700375

REPORT, dated 3/15/2017, submitted by Harry Black, City Manager, regarding Cleinview Avenue retaining wall and hillside movement. (SEE DOCUMENT #201700197 FOR COMMUNICATION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED

Item #: 201700806

REPORT, dated 6/1/2017, submitted by Harry Black, City Manager, regarding tree pruning. (SEE DOCUMENT #201700679 FOR COMMUNICATION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED

Item #: 201700831

REPORT, dated 6/7/2017, submitted by Harry Black, City Manager, regarding Housing Court Purpose. (SEE DOCUMENT #201700450 FOR MOTION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED

RULES & AUDIT COMMITTEE

Item #: 201700794

MOTION, submitted by Councilmember Kevin Flynn, We move that Council adopt the following changes to the first paragraph of Section 6.1 to be amended to read as follows: Unless excused by a majority vote of Council, every Member present at a meeting of Council shall vote on all: A. motions; B. binding resolutions; C. reports from the administration requiring action; and D. ordinances.

Status/Recommendations:

ADOPT

*** ADOPTED

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN Y